

From: Vijay Brian Gupta
To: Microsoft ATR
Date: 1/23/02 1:06pm
Subject: 'Microsoft Settlement'

First off, I would like to have my comments listed anonymously if possible. (I imagine many folks are holding off from contacting you for fear of upsetting Microsoft)

It seems to me that the proposed settlement seems to be pretty useless in preventing future abusive behavior from Microsoft. Look at this way: Microsoft is a monopoly, they have been shown to abuse that monopoly power in the past, despite court injunctions and consent decrees. My question is, how can this really to be solved without some sort of drastic measure. I.E.: Splitting up the company, or at least force them to standardize and release "ALL" APIs, protocols and file formats to the public. (No exceptions, especially security)

The problem with the settlement is that it is incredibly vague, and allows Microsoft to basically go about business as usual. (They have proven through past behavior to have little concern for the intent of the law, and will bend and occasionally outright break any rules). You don't have to be a technology wizard to see this.

Why does this bother me? I have been using computers for almost 20 years, and have seen the industry evolve and grow. I have known of, and followed many technologies since then, including those of Microsoft. Microsoft has systematically destroyed great technology after great technology. (More accurately, they destroy the company that invented the great technology, and "invent" it themselves). This was a way of life for them when they were a smaller player, and wasn't really breaking the rules. (It may have been consider playing dirty, but it was legal) Now that they are truly a monopoly (as proven in court) they must be held accountable for these actions. (As well as prevented from doing so in the future.) It is one thing for Microsoft to be able to spend more money on R&D to attempt to build a better product (Which invariably they seem to eventually pull off, after the innovator of said technology is destroyed or bought out). But for them to use bundling and such to extend their desktop monopoly into new areas is unforgivable. If they were required to sell these products separately like their competitors, It would keep their competitors alive longer so that thriving competition will keep products improving and the pressure on the monopolist to innovate. Not to mention, keep the incentive for innovation alive.

One more point to consider in the proposed settlement is that Open Source applications and competitors are excluded from protection. (Check Section III(J)(2)... Competitors must meet Microsoft's criteria as a business for the settlement to apply.

They must not bundle, they must release all API's, protocols and file formats to the public (and comply to these standards as released, only being allowed to change them if they publish the changes first.) If this is deemed too much to keep track of and non enforceable (being a drain on DOJ resources), I suggest you follow the original plan of breaking up Microsoft into separate companies.

Please come up with a more equitable solution then has been proposed. (More enforceable, specific, and drastic).

Thank you,
Brian Gupta
US Citizen